



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Daniel I. Kerpelman et al.

Serial No.: 09/470,344

Filed: December 22, 1999

For: MEDICAL FACILITY  
COMMUNICATIONS TOPOLOGY

Group Art Unit: 3626

Examiner: Morgan, Robert W.

Atty. Docket: GEMS:0065/YC  
15-SV-5373

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**RESPONSE TO FINAL  
OFFICE ACTION MAILED SEPTEMBER 25, 2002**

Dear Sir:

In the Office Action mailed on September 25, 2002, claims 1-60 were rejected under 35 U.S. §103(a) as being unpatentable over Wong et al. (U. S. Pat. No. 6,260,021) in view of the Microsoft Computer Dictionary and with some claims in further view of Evans (U. S. Pat No. 5,924,074). Applicants respectfully traverse the rejection. Reconsideration and allowance of all pending claims are requested.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima*

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**37 C.F.R. 1.8**

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